

**TOWN OF NEEDHAM  
CONSERVATION COMMISSION  
MEETING MINUTES  
Thursday, April 24, 2014**

LOCATION: Public Services Administration Building, Charles River Room

ATTENDING: Lisa Standley, Paul Alpert, Janet Carter Bernardo, Stephen Farr, Matt Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Marc C. Conrad, Mikhail Deychman, Douglas Donaldson, Kurt Federow, Tim Hood, John Jordan, Ron Lopez, Kyle Piche, Chris Pooley, Diane Simonelli, Jack Sullivan, Bob Timmerman

L. Standley opened the public meeting at 7:36 p.m.

**MINUTES**

**Motion to approve the Minutes of April 10, 2014 (as amended) by P. Alpert, seconded by S. Farr, approved 4-0-0.**

**ENFORCEMENT & VIOLATION UPDATES**

**130 SOUTH STREET**

M. Varrell stated that although he had sent Lana Sokolove the consultant list as she requested and informed her that the deadline for submission had been extended until April 24, 2014, nothing has been submitted as of the April 24 deadline. M. Varrell stated that he had spoken with Town Counsel about the matter. Town Counsel stated that in order to begin fining Ms. Sokolove under the existing Enforcement Order, a new site visit would need to be conducted to ascertain if the Enforcement violations still exist. L. Standley asked P. Alpert if the Commission could issue new fines based on Ms. Sokolove's failure to file a Notice of Intent application by the deadline. P. Alpert stated that he believed they could. The Commission asked M. Varrell to conduct a site visit and the Commission would discuss their course of action at the next meeting.

**NEEDHAM GOLF COURSE**

M. Varrell reported on his site visit and stated that the bulk of the tree clearing was undertaken outside the Commission's jurisdiction. The trees within jurisdiction were removed from the slope adjacent to the railroad tracks. M. Varrell stated that he had observed three recently cut stumps within the 100-foot Buffer Zone to Bank. He stated that he had met with the golf course Superintendent, Tim Hood, to discuss the violation. T. Hood was present at the meeting and stated that the purpose of the tree clearing was to improve the health of the grass on the 8<sup>th</sup> green by improving air circulation during the hot summer months. T. Hood stated that the trees removed were mainly oaks and Norway maples. He stated that several of the trees were impacted by Oriental bittersweet. T. Hood stated that the golf course was considering planting either ornamentals or a tall fescue-type grass in the area. The Commission informed Mr. Hood that the three trees would need to be replaced in accordance with the "Needham Conservation

Commission Guidelines for Reviewing Tree Removal Projects”. M. Varrell stated that the closest tree removed was approximately 64 feet from the Bank of the stream. The stream in question is pavement-lined.

L. Standley stated that the trees removed would need to be replaced at a 2:1 ratio but said the Commission is flexible about where the replanted trees could be installed. She stated that if the area the trees were removed from holds little functional value with respect to the stream, a more suitable location could be approved. T. Hood asked if there were specific trees the Commission would want as replacements. L. Standley stated there is an approved native species list in the Guidelines. The Commission agreed that an Enforcement Order would not be issued as long as at least six (6) native trees from the approved list are installed within the 100-foot Buffer Zone. The Commission directed T. Hood to work with M. Varrell to identify a suitable area for planting of the replacement trees.

## **HEARINGS**

### **27 CURVE STREET (DEP FILE #234-710<sup>1</sup>) – NOTICE OF INTENT**

L. Standley opened the public hearing at 7:45 pm. M. Varrell stated that there is no DEP File # yet issued for the filing. The representative for the Applicant, Mikhail Deychman, presented the proposed project. M. Deychman stated that the lot presently contains a commercial building and the proposed plan is to demolish the building and construct two single family homes. M. Deychman stated that the existing impervious area on the parcel is approximately 6,000 square feet and the proposed impervious area is approximately 5,000 square feet. The roof runoff will be directed to a Cultec system for recharge. M. Deychman stated that five trees located in the 100-foot Buffer Zone would need to be removed and 8 trees are proposed to be planted as mitigation, six in the rear of the property and two in the front.

J. Carter Bernardo asked if the project is before the Planning Board for approval to subdivide the lot. M. Deychman stated that they are not proposing to subdivide the lot but to have the two single-family homes on the one lot. M. Varrell stated that the project is currently before the Zoning Board of Appeals. S. Farr asked if the Commission needs ZBA approval before they can issue an Order of Conditions. L. Standley stated that the WPA regulations do not require the ZBA Permit be issued, only that the Applicant had applied for all required Permits.

The Commission discussed the proposed location of the Cultec system which is close to the proposed retaining wall. The Commission was concerned that there may be breakout of stormwater through the retaining wall resulting in erosion of the adjacent steep slope and buffer zone, possibly impacting the wetland. M. Deychman stated that ledge was a factor in the proposed location of the Cultec system. L. Standley asked if there are any existing trees located in the proposed mitigation planting area. M. Deychman stated that there are small caliper trees and shrubs located there now but only trees greater than 10-inches in diameter are shown on the plan.

L. Standley requested that the Applicant submit a cross-section and detail of the proposed wall and the Cultec system to allow a full understanding the interaction between the two structures.

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<sup>1</sup> File number was issued subsequent to April 24.

L. Standley asked if there were any questions from the audience. Douglas Donaldson of the Needham Sportsman's Club asked about the location of the work in relation to the 100-foot Buffer Zone. L. Standley replied that the closest point of work to the wetland is approximately 60 feet. D. Donaldson expressed concern about runoff into the brook. L. Standley stated that the runoff that will be infiltrated is from the roof which is considered clean but the Commission is concerned about erosion of the slope into the stream. M. Deychman stated that the proposed stormwater system is an improvement as currently no stormwater infiltration occurs. S. Farr requested a site visit by the Commission.

**Motion to continue the public hearing to May 8, 2014 at 8:15 pm, for plans showing the cross-section of the wall and stormwater system and a site visit by the Commission, for 27 Curve Street (DEP File #234-710), by P. Alpert, seconded by S. Farr, approved 4-0-0.**

### **50 WINFIELD STREET (DEP FILE #234-701) – NOTICE OF INTENT**

L. Standley opened the public hearing at 8:00 pm. L. Standley stated the proposed project was a demolition and reconstruction within the 100-foot Buffer Zone and 200-foot Riverfront Area. The Applicant/Owner, John Jordan, presented the proposed project. J. Jordan stated that the existing ranch-style home will be torn down and a colonial-style home built in its place. The new construction will be located further from the stream and a stormwater infiltration system is proposed. J. Jordan stated that proposed mitigation plantings would include hemlock trees and native bushes in the rear of the property outside of the 25-foot Buffer Zone. L. Standley stated that in this location, Rosemary Brook is within a walled channel. L. Standley asked what species exist in the proposed mitigation planting area. M. Varrell stated mainly pachysandra. J. Jordan stated that he was also proposing to remove an existing shed at the rear of the property. J. Carter Bernardo pointed out that the existing shed is not identified as existing degraded Riverfront Area on the project figure.

L. Standley asked the Applicant how the project meets the performance standards for work within Riverfront Area, as the proposed house is larger than the existing. L. Standley stated that the project appears to meet all the standards for redevelopment which does not require an alternatives analysis. M. Varrell stated that the Applicant divided the proposed project in two sections: the redevelopment portion which meets the performance standards by improvements to the Riverfront Area including removal of the shed and installing plantings; and the non-redevelopment portion which meets the performance standards by providing an alternatives analysis and demonstrating No Adverse Impact. The non-redevelopment portion of the project would impact less than 5,000 square feet of Riverfront Area.

L. Standley stated that the Applicant's proposal to plant hemlocks was not the best choice. She explained that hemlocks are prone to a pest called woody adelgid. J. Jordan stated that an arborist told him his existing hemlocks were infested with woody adelgid. L. Standley noted that the Applicant would have to use pesticides to control the pest and that is not allowed this close to a stream. J. Jordan stated he would choose alternate plantings from the approved list. M. Varrell stated the Applicant proposes to remove a 70-foot hazard willow tree near the stream but a 10-foot snag will be left in place for habitat value.

**Motion to close the public hearing for 50 Winfield Street (DEP FILE # 234-701) by P. Alpert, seconded by S. Farr, approved 4-0-0.**

**Motion to issue the Order of Conditions, as amended, for 50 Winfield Street (DEP File #234-701) by P. Alpert, seconded by S. Farr, approved 4-0-0.**

**15-17 BIRCH STREET (DEP FILE #234-709) – NOTICE OF INTENT**

L. Standley opened the public hearing at 8:15 pm. The owner, Ron Lopez and the Representative, Jack Sullivan were present. J. Sullivan stated that they had been before the Commission recently and received Orders of Conditions to demolish the existing two-family dwellings at 15-17, 21-23, 27-29 and 33-35 Birch Street. The property owner is before the Commission now to request permits to build new two-family dwellings with separate utilities on the lots. J. Sullivan stated that soil testing had been performed on the site and the results indicated coarse sand substrate with no groundwater encountered at the 10-foot mark. The proposed plan calls for the entire roof area to be collected and discharged to drywells. No stormwater controls occurred on the lots previously.

J. Sullivan stated that mitigation plantings consisting of four 3-inch red maple trees along the frontage are proposed. Each unit would be accessed by a paved driveway with additional pervious paver parking areas located on either side of the drive. J. Sullivan stated that the wetland delineation had originally been approved for the 42-44 Birch Street filing. The 25-foot Buffer Zone serves as the limit of work. No grading is proposed in the rear of the buildings. The grades will be matched. J. Sullivan indicated that all zoning requirements have been met. The proposed erosion controls consist of a silt sock at the 25-foot Buffer Zone in addition to the existing staked haybale line (previously installed for the demolition work). Pervious paver patios are proposed to the sides of the units.

J. Sullivan stated that the entire project is covered under a NPDES Permit. A detailed Stormwater Report and DEP Checklist was submitted to the Commission and reviewed by S. Farr and J. Carter Bernardo who found it to be complete. J. Sullivan noted that M. Varrell had asked him for the stormwater information for the lots across the street as well. J. Sullivan stated that the lots across the street are not in the Commission's jurisdiction but the same protocol was followed for those lots. J. Sullivan stated that the lots are located in a Zone II Well Protection Area; therefore the stormwater systems were designed for the one-inch storm event. No trees are proposed to be removed.

**Motion to close the public hearing for 15-17 Birch Street (DEP FILE # 234-709) by P. Alpert, seconded by S. Farr, approved 4-0-0.**

**Motion to issue the Order of Conditions, as amended, for 15-17 Birch Street (DEP File #234-709) by P. Alpert, seconded by S. Farr, approved 4-0-0.**

**21-23 BIRCH STREET (DEP FILE #234-708) – NOTICE OF INTENT**

L. Standley opened the public hearing at 8:25 pm. The Applicant stated that the design and mitigation measures proposed for this lot were identical to the 15-17 Birch Street lot.

**Motion to close the public hearing for 21-23 Birch Street (DEP FILE # 234-708) by P. Alpert, seconded by S. Farr, approved 4-0-0.**

**Motion to issue the Order of Conditions, as amended, for 21-23 Birch Street (DEP File #234-708) by P. Alpert, seconded by S. Farr, approved 4-0-0.**

### **27-29 BIRCH STREET (DEP FILE #234-707) – NOTICE OF INTENT**

L. Standley opened the public hearing at 8:45 pm. The Applicant stated that the design and mitigation measures proposed for this lot were identical to the 15-17 Birch Street lot.

**Motion to close the public hearing for 27-29 Birch Street (DEP FILE # 234-707) by**

**P. Alpert, seconded by S. Farr, approved 4-0-0.**

**Motion to issue the Order of Conditions, as amended, for 27-29 Birch Street (DEP File #234-707) by P. Alpert, seconded by S. Farr, approved 4-0-0.**

### **33-35 BIRCH STREET (DEP FILE #234-706) – NOTICE OF INTENT**

L. Standley opened the public hearing at 8:45 pm. The Applicant stated that the design and mitigation measures proposed for this lot were identical to the 15-17 Birch Street lot.

**Motion to close the public hearing for 33-35 Birch Street (DEP FILE # 234-706) by P.**

**Alpert, seconded by S. Farr, approved 4-0-0.**

**Motion to issue the Order of Conditions, as amended, for 33-35 Birch Street (DEP File #234-706) by P. Alpert, seconded by S. Farr, approved 4-0-0.**

### **19 PHEASANT ROAD (DEP FILE #234-704) – *Continued* NOTICE OF INTENT**

L. Standley opened the public hearing at 9:00 pm. Diane Simonelli of Field Resources, Inc. represented the Applicant. D. Simonelli stated that M. Varrell and the Wetlands Consultant, Leah Basbanes had been unable to meet on-site to address M. Varrell's concerns with the delineation due to schedule conflicts. M. Varrell stated that a time to meet was not scheduled at this point but he would contact Ms. Basbanes to set up a meeting to review and agree upon the wetland boundary. D. Simonelli stated that she would like to discuss the proposed planting plan and the waiver request, and submitted copies of the revised planting plan to the Commission. D. Simonelli stated that the homeowner would like to "get going" on the plantings however L. Standley replied that the homeowner would have to wait until the Order of Conditions was issued to begin any work, including planting. D. Simonelli stated that the plan proposes to plant at least 5 species of shrubs (2 plants per species) 6-feet on center in the mitigation planting area depicted on the plan. She stated that the homeowner would choose the plantings from the list provided to the Commission based on price and availability. M. Varrell stated that some of the proposed species would likely not do well in the wetland area. L. Standley concurred and revised the species list submitted to remove the less appropriate species. The revised list was returned to D. Simonelli.

L. Standley stated that a Waiver Request had been submitted but the Part A component was incomplete. The Waiver Request states that a *credible expert* has demonstrated that the resource area does not protect the public interest. This requires the submittal of a letter from a suitably qualified wetlands scientist or other appropriate professional addressing all of the public interests. D. Simonelli stated she will provide a suitable document to the Commission. M. Varrell stated that he noted during a recent site visit that it appears some woody vegetation has been cut on the eastern side of Rosemary Brook. L. Standley indicated that the proposed planting plan and Part B of the Waiver Request would be acceptable to the Commission.

**Motion to continue the public hearing to May 8, 2014 at 8:30 pm, for revised plans based on the wetland delineation revisions and the submittal of a revised Waiver Request for 19 Pheasant Road (DEP File #234-704), by P. Alpert, seconded by S. Farr, approved 4-0-0.**

**450 SOUTH STREET (DEP FILE #234-699) – Continued NOTICE OF INTENT**

L. Standley opened the public hearing at 9:15 pm. The Applicant, Kyle Piche and the Applicant's Representative, Diane Simonelli, were present. L. Standley stated that the hearing was continued to allow the Commission to review the revised plans. D. Simonelli stated that the revisions included capping and pulling back the existing overflow that was originally proposed to be abandoned in place. Filter fabric is proposed in the area to prevent any erosion during subsequent seeding or sodding. D. Simonelli stated that the Cultec system overflow has been relocated to outside of the 25-foot Buffer Zone. L. Standley questioned the reasoning behind the location of the proposed restoration planting strip along the rear property line. D. Simonelli stated that due to the existing trees and other vegetation, the Applicant wanted some flexibility as to where he could install the restoration plantings, so a mitigation planting area is proposed, rather than specific tree locations. D. Simonelli stated that the proposed mitigation area is within the 100-foot Buffer Zone and the proposed trees would be chosen from the approved native species list. L. Standley indicated that she did not find the proposed mitigation planting adequate but the Commission could address this in the Special Conditions. .

**Motion to close the public hearing for 450 South Street (DEP FILE # 234-699) by P. Alpert, seconded by S. Farr, approved 4-0-0.**

**Motion to issue the Order of Conditions, as amended, for 450 South Street (DEP File #234-699) by P. Alpert, seconded by S. Farr, approved 4-0-0.**

**190 EDGEWATER DRIVE (DEP FILE #234-702) – Continued NOTICE OF INTENT**

M. Varrell stated that the Applicant had requested a continuance to the May 8, 2014 Conservation Commission Meeting.

**Motion to continue the public hearing for 190 Edgewater Drive (DEP File #234-702) until May 8, 2014 at 8:45 pm by P. Alpert, seconded by S. Farr, approved 4-0-0.**

**104 ELDER ROAD (DEP FILE #234-705) – Continued NOTICE OF INTENT**

L. Standley opened the public hearing at 9:20 pm. L. Standley stated that the hearing had been continued for the issuance of a DEP File number. The DEP has issued File #234-705.

**Motion to close the public hearing for 104 Elder Road (DEP File #234-705) by P. Alpert, seconded by S. Farr, approved 4-0-0.**

**Motion to waive the Bylaw regulations for work being conducted within the 25-foot Buffer Zone by P. Alpert, seconded by S. Farr, approved 4-0-0.**

**Motion to waive the Bylaw Filing Fee for work requiring a waiver by P. Alpert, seconded by S. Farr, approved 4-0-0.**

**Motion to issue an Order of Conditions, as amended, for 104 Elder Road (DEP File #234-705) by P. Alpert, seconded by S. Farr, approved 4-0-0.**

**OTHER BUSINESS****273 NEHOLDEN STREET (DEP FILE #234-423) – REQUEST FOR CERTIFICATE OF COMPLIANCE**

Withdrawn, the Certificate of Compliance had been previously issued. D. Simonelli submitted a recordable plan, as required for release of the previously approved Certificate of Compliance.

### **701 SOUTH STREET (DEP FILE #234-510) – REQUEST FOR CERTIFICATE OF COMPLIANCE**

M. Varrell stated that he had visited the site and found it to be fully stable. The deviations he noted from the proposed plan included: a small retaining wall that was proposed but not installed, and the Order of Conditions called for a landscaping planting plan to be submitted. The plan was never submitted and little in the way of landscaping was undertaken.

**Motion to issue a Certificate of Compliance for 701 South Street (DEP FILE # 234-510) by P. Alpert, seconded by S. Farr, approved 4-0-0.**

### **CAROL-BREWSTER PROPERTY (DEP FILE #234-550 & 234-551) – REQUEST FOR A MINOR MODIFICATION**

M. Varrell stated that the Carol-Brewster project had lost momentum in the past year and in speaking with the Superintendent of Parks & Forestry, Ed Olsen, they agreed to get the monitoring and treatment plan up to date. The Consultant, Polatin Ecological, suggested modifications to the existing Order of Conditions to address timing and other issues of invasive species control. M. Varrell stated that some restrictive time constraints under the existing Order constrain effective treatment of invasive species. M. Varrell stated that Polatin would like to use a different treatment methodology to treat stems that are too small to be injected. The proposed treatment would consist of wiping the herbicide on the smaller cut stems with a glove. The new methodology would be useful in treating new growth emerging from the seed stock present in the soil. L. Standley indicated that the previous consultant had requested the timing and the new consultant Polatin Ecological would like to modify the timing to grant more flexibility in timing the treatment properly.

**Motion to accept the proposed modifications as described in the Request as a minor modification to the Order of Conditions for the Carol-Brewster Property (DEP File #234-550 & 234-551) by P. Alpert, seconded by S. Farr, approved 4-0-0.**

### **OTHER BUSINESS**

M. Varrell noted that the annual Rosemary Lake drawdown had been started. He also provided an update on the Ridge Hill culvert (on the North Trail), and noted that DPW will be clearing the vegetation blocking the stream channel. J. Carter Bernardo reported on the Rosemary Lake trail and meadow maintenance project conducted by the Scouts. She also supervised constructing a new trail connecting to Armen Way. P. Oelkers noted that he would be leading the May 3<sup>rd</sup> Ridge Hill walk.

**Motion to adjourn at 9:40 p.m. by P. Alpert, seconded by S. Farr, approved 4-0-0.**

### **NEXT PUBLIC HEARING**

*May 8, 2014 at 7:30 PM in the Public Service Administration Building, Charles River Room*